

of jurisdiction over the parties, as well as for want of equitable jurisdiction over the subject-matter of the bill." This Court reversed the decree and remanded the cause for further proceedings. There was no question as to the defendants having voluntarily appeared and moved to dismiss the bill upon the ground, among others, that "it contained no equity." Mr. Justice Bradley, delivering the opinion of the Court, said, at p. 432.

"His moving to dismiss for want of equity was clearly a waiver; and he was properly required to answer the bill. After this the question of jurisdiction over the person was at an end, and the decree of the Circuit Court, dismissing the bill for want of jurisdiction, must be reversed."

Ex parte Gordon, 104 U. S. 515, was a case in admiralty in which the District Court had jurisdiction of the steamer and of the collision. This court refused a writ of prohibition.

Globe Refining Co. vs. Landa Cotton Oil Co., 190 U. S. 540, was a writ of error to a Circuit Court to reverse its judgment in an action for breach of contract. No question as to the jurisdiction of the Circuit Court over the person of the defendant was involved. He "pleaded that the damages had been claimed and magnified fraudulently for the purpose of giving the United States Circuit Court jurisdiction, when in truth they were less than two thousand dollars." The judge tried the question of jurisdiction before the hear-

ing on the merits, found that the plea was sustained and dismissed the action. This Court affirmed.

In *re Pollitz*, 206 U. S. 323, being a removal case, is covered by what we have said. The Circuit Court had jurisdiction of the person of both parties and of the subject-matter.

Ex parte Roe, 234 U. S. 70, cited at p. 6 of the opinion, belongs to the same category. Mr. Justice Van Devanter put it neatly, saying at p. 73: "The writ . . . does not lie to compel a reversal of a decision, either interlocutory or final, made in the exercise of a lawful jurisdiction, et caetera."

II.

Mr. Maxwell having entered his appearance specifically and definitely as counsel for the Bondholder's Committee the District Court was without power to decide that it was in fact an appearance for the Rock Island Company. Counsel know for whom they are authorized and intend to appear. Their statement is conclusive and being in writing cannot be varied.

The Rock Island Company respectfully prays for a rehearing.

Lawrence Maxwell,
William L. Day,
Joseph S. Graydon,

Counsel.

I certify that the foregoing petition is in my opinion well founded in point of law and that it is not interposed for delay.

Lawrence Maxwell,
Counsel.